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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,512	10/20/2000	Joel E. Short		7933
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ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER	
			DUONG, THOMAS	
			ART UNIT	PAPER NUMBER
			2145	
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			11/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/693,512	<b>Applicant(s)</b> SHORT ET AL.
	<b>Examiner</b> Thomas Duong	<b>Art Unit</b> 2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

#### Status

- 1) Responsive to communication(s) filed on 10 October 2006.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to the Applicants' Supplemental Appeal Brief filed on October 10, 2006. *Claims 1-18* are presented for further consideration and examination.
  
2. In view of the Supplemental Appeal Brief filed on October 10, 2006, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

### ***Response to Argument***

3. Applicants' argument, see pg.6-9, filed on October 10, 2006, with respect to *claims 1-18* have been fully considered and are persuasive. The previous rejection is withdrawn. New grounds of rejection are set forth below.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
  
5. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al. (US006615212B1) and in view of Meltzer et al. (US006226675B1).

6. With regard to claims 1, 8, and 14, Dutta discloses,

- a subscriber interface for adapting to subscriber computers that are connected to the gateway device to facilitate communications between the subscriber computers and at least one network; and (Dutta, col.1, line 8 – col.16, line 17)

Dutta discloses, "Turning now to FIGS. 6 and 7, there are shown block diagrams illustrating the data flow through a prior art transcoding proxy server. In FIG. 6, client 602 sends HTTP request 604 to transcoding proxy server 606.

Transcoding proxy server 606 includes transcoding framework 608 for converting requests in one format to requests in a second format. Transcoding framework 608 includes HTTP request transform plugin 610 for converting HTTP request 604 received from client 602 into a modified HTTP request 612 compatible with originating server 614, where the requested content is located. As shown in FIG. 7, transcoding proxy server 606 receives server response 702 in Extensible Markup Language (XML) data format. Transcoding framework 608 also includes XML to HTML transcoder plugin 704. XML to HTML transcoder plugin 704 converts server response 702 from XML data format to an HTML data format and sends HTML data 706 to client 602 for processing" (Dutta, col.7, lines 45-62).

Hence, Dutta teaches of the transcoder framework 608 (i.e., Applicants' subscriber interface) located on the transcoding proxy server 606 (i.e., Applicants' gateway device) converting requests in one format to requests in a second format (i.e., Applicants' adapting to subscriber computers) and sending (i.e., Applicants' facilitating communications between) HTML data 706 to client 602 (i.e., Applicants' subscriber computers) from originating server 614 on a network (i.e., Applicants' at least one network).

- an XML interface for communicating with a plurality external devices via a series of XML commands and responses such that the gateway device, located at a network access point, supports communications involving the subscriber computers and the external devices without requiring the subscriber computers to support XML commands and responses. (Dutta, col.1, line 8 – col.16, line 17)

Dutta discloses, “Turning now to FIGS. 6 and 7, there are shown block diagrams illustrating the data flow through a prior art transcoding proxy server. In FIG. 6, client 602 sends HTTP request 604 to transcoding proxy server 606.

Transcoding proxy server 606 includes transcoding framework 608 for converting requests in one format to requests in a second format. Transcoding framework 608 includes HTTP request transform plugin 610 for converting HTTP request 604 received from client 602 into a modified HTTP request 612 compatible with originating server 614, where the requested content is located. As shown in FIG. 7, transcoding proxy server 606 receives server response 702 in Extensible Markup Language (XML) data format. Transcoding framework 608 also includes XML to HTML transcoder plugin 704. XML to HTML transcoder plugin 704 converts server response 702 from XML data format to an HTML data format and sends HTML data 706 to client 602 for processing” (Dutta, col.7, lines 45-62).

Hence, Dutta teaches of the transcoder plugin 704 (i.e., Applicants' XML interface) located on the transcoding proxy server 606 (i.e., Applicants' gateway device located at a network access point) receiving (i.e., Applicants' communicating) responses from the originating server 614 (i.e., Applicants' external device), converting server responses 702 from XML data format to an HTML data format (i.e., Applicants' via a series of XML commands and

responses), and sending (i.e., Applicants' supporting communications) the resulting HTML data 706 to client 602 (i.e., Applicants' subscriber computers) from originating server 614 (i.e., Applicants' external device). Since, the responses from originating server 614 already converted to HTML format by the transcoding proxy server, the client 602 (i.e., Applicants' subscriber computer) does not need to support XML (i.e., Applicants' without requiring the subscriber computers to support XML commands and responses).

However, Dutta does not explicitly disclose,

- *an XML interface for communicating with a plurality external devices via a series of XML commands and responses such that the gateway device, located at a network access point, supports communications involving the subscriber computers and the external devices without requiring the subscriber computers to support XML commands and responses.*

Meltzer teaches,

- *an XML interface for communicating with a plurality external devices via a series of XML commands and responses such that the gateway device, located at a network access point, supports communications involving the subscriber computers and the external devices without requiring the subscriber computers to support XML commands and responses. (Meltzer, col.1, line 7 – col.86, line 42)*

Meltzer discloses, “A node in the commerce network establishes an interface for transactions according to the present invention that comprises a machine-readable specification of an interface, along with a machine-readable data structure that includes interpretation information for the machine-readable

*specification of the interface. The machine-readable specification of the interface includes a definition of an input document and a definition of an output document, that are accepted and produced by transaction processes for which the node acts as an interface. The definitions of the input and output documents comprise respective descriptions of sets of storage units and logical structures for sets of storage units, such as according to a standard XML based document. The machine-readable data structure that includes interpretation information according to various aspects of the invention includes data type specifications (e.g. string, array, etc.) for logical structures in the definitions of the input and output documents, content models (e.g. lists of possible values) for logical structures and/or data structures that map predefined sets of storage units for a particular logic structure to respective entries in a list in order to provide a semantic definition of logical structures (e.g. mapping codes to product names)"* (Meltzer, col.3, line 55 – col.4, line 10). Hence, Meltzer teaches of interpreting and translating information between documents with respect to data type specifications, content models, and data structures (i.e., Applicants' via a series of XML commands and responses).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Meltzer with the teaching of Dutta to "*[facilitate] interaction amongst diverse platforms in a communication network. Such system should facilitate spontaneous commerce between trading partners without custom integration or prior agreement on industry wide standards. Further, such systems should encourage incremental path to business automation, to eliminate much of the time, cost and risks of traditional systems integration*" (Meltzer,

col.2, lines 18-25). Dutta discloses, *"However, much of the information now available on the Web are legacy files created before the proliferation of the Internet and the Web. These files are often very large and were not created with the thought that they might someday be transmitted back and forth across the Internet. These files can take a very long time to transmit over the Web, and it can also take a very long time to transcode their contents into a different data format. Therefore, there is a need for an improved method of transcoding data formats and sending information across the web to minimize transmission times"* (Dutta, col.2, lines 26-35).

7. With regard to claim 2, Dutta and Meltzer disclose,

- *further comprising an internal web server for communicating with both said XML interface and the internet to thereby facilitate XML-based communications between the gateway device and external devices connected to the internet.*

(Dutta, col.1, line 8 – col.16, line 17; Meltzer, col.1, line 7 – col.86, line 42)

Dutta discloses, *"However, it should be noted that the transcoding proxy server could also potentially be located in the same web server (i.e., originating server) on which the content is located, and installed on top of the web server. In this particular case, there are two modes of operation. In one mode of operation, the transcoding proxy server encodes data only for the web server on which it is located. In a second mode of operation, the transcoding proxy server encodes data for the web server on which it is located and also for other web servers on which other data is located"* (Dutta, col.11, lines 19-27). Dutta discloses, *"In the depicted example, distributed data processing system 100 is the Internet, with network 102 representing a worldwide collection of networks and gateways that*

*use the TCP/IP suite of protocols to communicate with one another. At the heart of the Internet is a backbone of high-speed data communication lines between major nodes or host computers consisting of thousands of commercial, government, education, and other computer systems that route data and messages. Of course, distributed data processing system 100 also may be implemented as a number of different types of networks such as, for example, an intranet or a local area network" (Dutta, col.3, lines 54-65).*

8. With regard to claims 3, 9, and 16, Dutta and Meltzer disclose,
  - *wherein said XML interface comprises a parser front end for determining the type of operation requested by the external device.* (Dutta, col.1, line 8 – col.16, line 17; Meltzer, col.1, line 7 – col.86, line 42; col.21, lines 44-47; col.23, lines 41-45; module 301 on sheet 3, fig.3; module 401 on sheet 4, fig.4)
9. With regard to claims 4-5, 10-11, and 17-18, Dutta and Meltzer disclose,
  - *wherein said XML interface comprises a parser section for organizing elements parsed from at least one of an XML command and an XML response and for passing at least some of the elements to a requested application.* (Dutta, col.1, line 8 – col.16, line 17; Meltzer, col.1, line 7 – col.86, line 42; col.21, lines 47-52, lines 60-64; col.23, lines 46-53; module 304 on sheet 3, fig.3; module 404 on sheet 4, fig.4).
  - *wherein said parser section also nests the elements to be passed to the requested application within an application programming interface (API) wrapper.*

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(Dutta, col.1, line 8 – col.16, line 17; Meltzer, col.1, line 7 – col.86, line 42; col.25, line 66 – col.26, line 8; module 515 on sheet 5, fig.5).

10. With regard to claims 6-7 and 12-13, Dutta and Meltzer disclose,

- *wherein said XML interface comprises a building section for preparing responses to requests received by the gateway device.* (Dutta, col.1, line 8 – col.16, line 17; Meltzer, col.1, line 7 – col.86, line 42; col.23, lines 23-28, lines 53-60; modules 406-407 on sheet 4, fig.4).

11. With regard to claim 15, Dutta and Meltzer disclose,

- *wherein receiving an XML command comprises receiving an XML command at the gateway device from a billing and content server* (Dutta, col.1, line 8 – col.16, line 17; Meltzer, col.1, line 7 – col.86, line 42; col.21, line 64 – col.22, line 2; modules 305-307 on sheet 3, fig.3).

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 571/272-3911. The examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason D. Cardone can be reached on 571/272-3933. The fax phone numbers for the organization where this application or proceeding is assigned are 571/273-8300 for regular communications and 571/273-8300 for After Final communications.

*Thomas Duong (AU2145)*

*November 8, 2007*

/Jason D Cardone/

Supervisory Patent Examiner,

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